

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

KAELEN GEORGE,)
Plaintiff,)
v.) Case No. 6:10-CV-03137-RED
LEBANON R-3 SCHOOL DISTRICT, et al.,)
Defendants.)

**DEFENDANTS' SUGGESTIONS IN OPPOSITION TO PLAINTIFF'S MOTION FOR
EXTENSION OF TIME**

Come now Defendants and in response to Plaintiff's Motion for Additional Time to Reply to Defendants' Motion for Summary Judgment [to and including July 15, 2011], submit the following Suggestions in Opposition:

This action was commenced on April 16, 2010, with the filing of the Plaintiff's Complaint. Since that time, other than replying to Defendants' Partial Motion to Dismiss, responding to Defendants' interrogatories and request for production of documents and producing Plaintiff Kaelen George and her mother Laura George for their depositions on March 9, 2011, Plaintiff has done nothing with respect to this litigation. Plaintiff did not file Rule 26 Disclosures. Plaintiff did not conduct any discovery directed towards Defendants, including interrogatories, document requests or depositions. Plaintiff failed to identify expert witnesses expected to testify at the time of trial.

Plaintiff agreed to the joint proposed scheduling order filed on August 17, 2010. Consistent with the parties' joint proposed scheduling order, this case is scheduled for trial commencing on September 19, 2011. If Plaintiff does not file suggestions in opposition to Defendants' Motion for Summary Judgment until July 15, 2011, and assuming Defendants file

reply suggestions in support of their motion, the Court will most likely not rule on Defendants' Motion for Summary Judgment until sometime in August. Defendants should not have to wait until one month before trial before it is determined whether or not they will be going to trial in September. Defendants' motion raises legal deficiencies in Plaintiff's Complaint and does not require an additional 45 days over and above the 21 days Plaintiff has already had to prepare suggestions in opposition. The gist of Defendants' Motion for Summary Judgment is a legal argument. Discovery has closed in this case so the record is complete.

Defendants have no objection to a 10 day extension of time for Plaintiff to respond to Defendants' Motion for Summary Judgment, but object to any further extension.

TYRL & BOGDAN

By: /s/ Larry J. Tyrl
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CERTIFICATE OF SERVICE

I certify that on this 1st day of June, 2011, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following parties:

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